



Rep. Emanuel Chris Welch

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1 AMENDMENT TO SENATE BILL 31

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 31 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois TRUST Act.

6 Section 5. Legislative Purpose. Recognizing that State law  
7 does not currently grant State or local law enforcement the  
8 authority to enforce federal civil immigration laws, it is the  
9 intent of the General Assembly that nothing in this Act shall  
10 be construed to authorize any law enforcement agency or law  
11 enforcement official to enforce federal civil immigration law.  
12 This Act shall not be construed to prohibit or restrict any  
13 entity from sending to, or receiving from, the United States  
14 Department of Homeland Security or other federal, State, or  
15 local government entity information regarding the citizenship  
16 or immigration status of any individual under Sections 1373 and

1 1644 of Title 8 of the United States Code. Further, nothing in  
2 this Act shall prevent a law enforcement officer from  
3 contacting another law enforcement agency for the purposes of  
4 clarifying or confirming the nature and status of possible  
5 offenses in a record provided by the National Crime information  
6 Center, or detaining someone based on a notification in the Law  
7 Enforcement Agencies Data Administrative System unless it is  
8 clear that request is based on a non-judicial immigration  
9 warrant.

10 Section 10. Definitions. In this Act:

11 "Immigration detainer" means a document issued by an  
12 immigration agent that is not approved or ordered by a judge  
13 and requests a law enforcement agency or law enforcement  
14 official to provide notice of release or maintain custody of a  
15 person, including a detainer issued under Section 1226 or 1357  
16 of Title 8 of the United States Code or Section 236.1 or 287.7  
17 of Title 8 of the Code of Federal Regulations.

18 "Law enforcement agency" means an agency of the State or of  
19 a unit of local government charged with enforcement of State,  
20 county, or municipal laws or with managing custody of detained  
21 persons in the State.

22 "Law enforcement official" means any individual with the  
23 power to arrest or detain individuals, including law  
24 enforcement officers, county corrections officer, and others  
25 employed or designated by a law enforcement agency.

1 "Non-judicial immigration warrant" means a Form I-200 or  
2 I-205 administrative warrant or any other immigration warrant  
3 or request that is not approved or ordered by a judge,  
4 including administrative warrants entered into the Federal  
5 Bureau of Investigation's National Crime Information Center  
6 database.

7 Section 15. Prohibition on enforcing federal civil  
8 immigration laws.

9 (a) A law enforcement agency or law enforcement official  
10 shall not detain or continue to detain any individual solely on  
11 the basis of any immigration detainer or non-judicial  
12 immigration warrant or otherwise comply with an immigration  
13 detainer or non-judicial immigration warrant.

14 (b) A law enforcement agency or law enforcement official  
15 shall not stop, arrest, search, detain, or continue to detain a  
16 person solely based on an individual's citizenship or  
17 immigration status.

18 (c) This Section 15 does not apply if a law enforcement  
19 agency or law enforcement official is presented with a valid,  
20 enforceable federal warrant. Nothing in this Section 15  
21 prohibits communication between federal agencies or officials  
22 and law enforcement agencies or officials.

23 (d) A law enforcement agency or law-enforcement official  
24 acting in good faith in compliance with this Section who  
25 releases a person subject to an immigration detainer or

1 non-judicial immigration warrant shall have immunity from any  
2 civil or criminal liability that might otherwise occur as a  
3 result of making the release, with the exception of willful or  
4 wanton misconduct.

5 Section 20. Law enforcement training. By January 1, 2018,  
6 every law enforcement agency shall provide guidance to its law  
7 enforcement officials on compliance with Section 15 of this  
8 Act.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".